

1 Stephen M. Doniger (SBN 179314)
2 stephen@donigerlawfirm.com
3 Scott A. Burroughs (SBN 235718)
4 scott@donigerlawfirm.com
5 Howard S. Han (SBN 243406)
6 hhan@donigerlawfirm.com
7 DONIGER / BURROUGHS
8 603 Rose Avenue
9 Venice California 90291
10 Telephone: (310) 590-1820

11 Attorneys for Plaintiff

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 STAR FABRICS, INC., a California
15 Corporation,

16 Plaintiff,

17 v.

18 AMBER BLUE, LLC, a California Limited
19 Liability Company; DE MASQE, INC., a
20 California Corporation; STYLE RACK,
21 INC., a California Corporation;
22 CASANOVA, a Business Entity of Form
23 Unknown; ELECOCO, INC., a California
24 Corporation, individually and doing business
25 as "Sky Plus"; FASHION AVE, INC., a
26 California Corporation; J CORE, a Business
27 Entity of Form Unknown, individually and
28 doing business as "CR Mode"; and DOES 1
through 10,

Defendants.

Case No.:

**PLAINTIFF'S COMPLAINT FOR
COPYRIGHT INFRINGEMENT**

Jury Trial Demanded

1 Star Fabrics, Inc., by and through its undersigned attorneys, hereby prays to
2 this honorable Court for relief based on the following:

3 **JURISDICTION AND VENUE**

4 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101
5 *et seq.*

6 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and
7 1338 (a) and (b).

8 3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and
9 1400(a) in that this is the judicial district in which a substantial part of the acts and
10 omissions giving rise to the claims occurred.

11 **PARTIES**

12 4. Plaintiff STAR FABRICS, INC. is a corporation organized and existing
13 under the laws of the State of California with its principal place of business located
14 at 1440 East Walnut Street, Los Angeles, California 90011.

15 5. Plaintiff is informed and believes and thereon alleges that Defendant
16 AMBER BLUE, LLC (“AMBER BLUE”) is a limited liability company organized
17 and existing under the laws of the State of California, with its principal place of
18 business located at 1659 E. 23rd Street, Los Angeles, California 90011.

19 6. Plaintiff is informed and believes and thereon alleges that Defendant DE
20 MASQE, INC. (“DE MASQE”) is a corporation organized and existing under the
21 laws of the State of California, with its principal place of business located at 925
22 Blossom Hill Road, #1043, San Jose, California 95123.

23 7. Plaintiff is informed and believes and thereon alleges that Defendant
24 STYLE RACK, INC. (“STYLE RACK”) is a corporation organized and existing
25 under the laws of the State of California, with its principal place of business located
26 at 777 E. 12th Street, Unit 1-3, Los Angeles, California 90021.

1 8. Plaintiff is informed and believes and thereon alleges that Defendant
2 CASANOVA is a business entity of unknown form with its principal place of
3 business located at 324 Stonewood Street, Downey, California 90241.

4 9. ELECOCO, INC. ("ELECOCO"), individually and doing business as "Sky
5 Plus," is a corporation organized and existing under the laws of the State of
6 California with its principal place of business located at 4553 Seville Avenue,
7 Vernon, California 90058.

8 10. Plaintiff is informed and believes and thereon alleges that Defendant
9 FASHION AVE, INC. ("FASHION AVE") is a corporation organized and existing
10 under the laws of the State of California, with its principal place of business located
11 at 935 East Main Street, Santa Paula, California 93060.

12 11. Plaintiff is informed and believes and thereon alleges that Defendant J
13 CORE, individually and doing business as "CR Mode," is a business entity of
14 unknown form with its principal place of business located at 11711 E. Rosecrans
15 Avenue, Norwalk, California 90650.

16 12. Plaintiff is informed and believes and thereon alleges that Defendants
17 DOES 1 through 10, inclusive, are other parties not yet identified who have infringed
18 Plaintiff's copyrights, have contributed to the infringement of Plaintiff's copyrights,
19 or have engaged in one or more of the wrongful practices alleged herein. The true
20 names, whether corporate, individual or otherwise, of Defendants 1 through 10,
21 inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants
22 by such fictitious names, and will seek leave to amend this Complaint to show their
23 true names and capacities when same have been ascertained.

24 13. Plaintiff is informed and believes and thereon alleges that at all times
25 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
26 manager, principal, alter-ego, and/or employee of the remaining Defendants and was
27 at all times acting within the scope of such agency, affiliation, alter-ego relationship

1 and/or employment; and actively participated in or subsequently ratified and/or
2 adopted each of the acts or conduct alleged, with full knowledge of all the facts and
3 circumstances, including, but not limited to, full knowledge of each violation of
4 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

5 **CLAIMS RELATED TO DESIGN NO. 68620**

6 14. Plaintiff owns an original two-dimensional artwork used for purposes of
7 textile printing entitled 68620 (the "Subject Design") which has been registered with
8 the United States Copyright Office.

9 15. Prior to the acts complained of herein, Plaintiff widely disseminated fabric
10 bearing the Subject Design to numerous parties in the fashion and apparel industries.

11 16. Plaintiff is informed and believes and thereon alleges that following its
12 distribution of the Subject Design, AMBER BLUE, DE MASQE, STYLE RACK,
13 CASANOVA, ELECOCO, FASHION AVE, J CORE, DOE Defendants, and each of
14 them distributed and/or sold fabric and/or garments featuring a design which is
15 substantially similar to the Subject Design (hereinafter "Subject Product") without
16 Plaintiff's authorization, including but not limited to products sold by:

- 17 a. DE MASQE under Item No. 90567013 and bearing a label containing
18 the RN 131926, indicating that it was manufactured by or for
19 AMBER BLUE;
- 20 b. CASANOVA under Item No. 5589 and bearing the label "Style
21 Rack" and RN 143140, indicating that it was manufactured by or for
22 STYLE RACK;
- 23 c. FASHION AVE under Item No. 108069 and bearing the label "Sky
24 Plus," indicating that it was manufactured by or for ELECOCO;
- 25 d. J CORE under SKU No. 1506170232 and bearing the label "Sky
26 Plus," indicating that it was manufactured by or for ELECOCO.
- 27

1 17. Representative portions of the Subject Design and Subject Product are set
2 forth hereinbelow:

3 **Subject Design**



Subject Product



16 **FIRST CLAIM FOR RELIEF**

17 (For Copyright Infringement - Against All Defendants, and Each)

18 18. Plaintiff repeats, realleges and incorporates herein by reference as though
19 fully set forth the allegations contained in the preceding paragraphs of this
20 Complaint.

21 19. Plaintiff is informed and believes and thereon alleges that Defendants, and
22 each of them, had access to the Subject Design, including, without limitation,
23 through (a) access to Plaintiff's showroom and/or design library; (b) access to
24 illegally distributed copies of the Subject Design by third-party vendors and/or DOE
25 Defendants, including without limitation international and/or overseas converters
26 and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) access to
27

1 garments in the marketplace manufactured with lawfully printed fabric bearing the
2 Subject Design.

3 20. Plaintiff is informed and believes and thereon alleges that one or more of
4 the Defendants manufactures garments and/or is a garment vendor. Plaintiff is
5 further informed and believes and thereon alleges that said Defendant(s), and each of
6 them, has an ongoing business relationship with Defendant retailers, and each of
7 them, and supplied garments to said retailers, which garments infringed the Subject
8 Design in that said garments were composed of fabric which featured unauthorized
9 print designs that were identical or substantially similar to the Subject Design, or
10 were an illegal modification thereof.

11 21. Plaintiff is informed and believes and thereon alleges that Defendants, and
12 each of them, infringed Plaintiff's copyright by creating, making and/or developing
13 directly infringing and/or derivative works from the Subject Design and by
14 producing, distributing and/or selling Subject Products through a nationwide
15 network of retail stores, catalogues, and through on-line websites.

16 22. Due to Defendants', and each of their, acts of infringement, Plaintiff has
17 suffered damages in an amount to be established at trial.

18 23. Due to Defendants', and each of their, acts of copyright infringement as
19 alleged herein, Defendants, and each of them, have obtained profits they would not
20 otherwise have realized but for their infringement of the Subject Design. As such,
21 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits
22 attributable to the infringement of the Subject Design in an amount to be established
23 at trial.

24 24. Plaintiff is informed and believes and thereon alleges that Defendants, and
25 each of them, have committed copyright infringement with actual or constructive
26 knowledge of Plaintiff's rights such that said acts of copyright infringement were,
27 and continue to be, willful, intentional and malicious.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment as follows:

- a. That Defendants—each of them—and their respective agents and servants be enjoined from importing, manufacturing, distributing, offering for sale, selling or otherwise trafficking in any product that infringes Plaintiff’s copyrights in the Subject Design;
- b. That Plaintiff be awarded all profits of Defendants, and each of them, plus all losses of Plaintiff, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 101 et seq.;
- c. That Plaintiff be awarded its attorneys’ fees as available under the Copyright Act U.S.C. § 101 et seq.;
- d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- e. That Plaintiff be awarded the costs of this action; and
- f. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and the 7th Amendment to the United States Constitution.

Dated: August 8, 2017

DONIGER/BURROUGHS

By: /s/ Stephen M. Doniger
Stephen M. Doniger, Esq.
Howard S. Han, Esq.
Attorneys for Plaintiff